

## DEPARTMENT OF COMMERCE Patent and Trademark Office

Addr ss: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR		AT	TORNEY DOCKET NO.
09/414,091	10/07/99	MANOLAGAS		s p	6210
•			7 [	EXAMINER	
		HM12/0817			
SHERRY M. K	NOWLES, ESQ.		_	CRIARES	Т
KING & SPAL				ART UNIT	PAPER NUMBER
191 PEACHTR			_		//
ATLANTA GA	30303-1763			1617	
				DATE MAILED:	
					08/17/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

_						
	Application No.	Applicant(s)				
	09/414,091	MANOLAGAS ET AL.				
Office Action Summary	Examiner	Art Unit				
	Theodore J. Criares	1617				
The MAILING DATE of this communication appears on the cover she it with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPL' THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.1 after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a repl - If NO period for reply is specified above, the maximum statutory period - Failure to reply within the set or extended period for reply will, by statute - Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).  Status	36(a). In no event, however, may a reply be y within the statutory minimum of thirty (30) o will apply and will expire SIX (6) MONTHS from the cause the application to become ABANDO	timely filed days will be considered timely. om the mailing date of this communication. NED (35 U.S.C. § 133).				
1) Responsive to communication(s) filed on 22.	January 2001 .					
<u> </u>	nis action is non-final.					
3) Since this application is in condition for allowed closed in accordance with the practice under						
Disposition of Claims						
4) Claim(s) 1-45 is/are pending in the application	١.					
4a) Of the above claim(s) is/are withdra	wn from consideration.					
5) Claim(s) is/are allowed.						
6) Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) <u>1-45</u> are subject to restriction and/or	election requirement.					
Application Papers						
9) The specification is objected to by the Examine	er.					
10) The drawing(s) filed on is/are: a) acce	pted or b) objected to by the Ex	xaminer.				
Applicant may not request that any objection to th						
11)☐ The proposed drawing correction filed on	_ is: a)□ approved b)□ disapp	proved by the Examiner.				
If approved, corrected drawings are required in re	ply to this Office action.					
12) ☐ The oath or declaration is objected to by the Ex	kaminer.					
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign	n priority under 35 U.S.C. § 119	9(a)-(d) or (f).				
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority document	ts have been received.					
2. Certified copies of the priority document	ts have been received in Applic	ation No				
<ul> <li>3. Copies of the certified copies of the prior</li> <li>application from the International But</li> <li>* See the attached detailed Office action for a list</li> </ul>	ıreau (PCT Rule 17.2(a)).					
14) Acknowledgment is made of a claim for domest						
a) The translation of the foreign language pro						
15) Acknowledgment is made of a claim for domes						
Attachment(s)	_					
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _	5) Notice of Inform	nary (PTO-413) Paper No(s)  aal Patent Application (PTO-152)				

Application/Control Number: 09/414,091

Art Unit: 1617

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10 and 13-45, drawn to a method of increasing bone mass, and
- Claims 11 and 12, drawn to assays to select compounds that are used to increase bone mass.

Inventions of Group I and II are not related as they have acquired different status in the pharmaceutical art. The searches involved would require a search in class 514 and class 330.

Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions they have different functions since the method of increasing bone mass differs from determining which compounds to use for such a purpose.

Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143). .

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Theodore J. Criares whose telephone number is 308-4607. The examiner can normally be reached on 6:30 A.M. to 5:00P.M. Monday through Thursday.

Application/Control Number: 09/414,091

Art Unit: 1617

Page 3

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Minna Moeizie can be reached on 308-4624. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-6897 for regular communications and N/A for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-1235.

Theodore J. Criares
Primary Examiner
Art Unit 1617

T.J. C. August 14, 2001